

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

John Russell,	:	Case No. 1:07CV3434
	:	
Petitioner	:	Judge Dan A. Polster
	:	
v.	:	Magistrate Judge David S. Perelman
	:	
Carl Anderson, Warden,	:	MEMORANDUM OPINION
	:	AND ORDER
Respondent	:	

On May 1, 2008 this Court entered a ruling directly that respondent obtain and “submit to this Court, under seal, the prosecution’s file which had been ordered sealed on direct appeal, in order for this Court to conduct an *in camera* inspection to determine whether information exists in that file which is pertinent to the claims for relief raised herein.”

Considering that almost a month has passed without that file being presented or respondent’s counsel providing any insight into when it might appear, it is obvious that the mistake this Court made was in not setting a terminal date for such production. This Court will now rectify that error.

Respondent’s counsel shall present the material in question no later than June 9, 2008, or, upon failure to do so, appear before this Court at 1:00 p.m. and explain that failure, with the possibility that this Court will impose sanctions if not satisfied with any proffered explanation.

IT IS SO ORDERED

s/DAVID S. PERELMAN
United States Magistrate Judge

DATE: May 28, 2008